

November 7, 2006: Notice of Proposed Rule Making In the Matter of Effects of Communications Towers on Migratory Birds

To: Office of Secretary, Federal Communications Commission

The Scotts Valley Band of Pomo Indians of Lake County appreciates the opportunity to comment on your rules to address the effects of communication towers on migratory birds. Since Lake County's Clear Lake is major flyway/center for bird migration, the Tribe supports all efforts to protect migratory bird populations and their habitats. The six Pomo Tribes of Lake look upon the migratory bird populations as a prized natural resource and their protection for future generations as an important goal for the Tribes.

Similar to the voluntary guidelines developed by FWS to mitigate the impact of communication towers; the Scotts Valley Band of Pomo Indians of Lake County suggests the following measures be enacted: the control or decrease of the height of the towers to less than 200'; expressly require an EA for all proposed tower construction projects for their effects on migratory birds; additionally require at least 120-135 days to process the permits for tower construction (allowing plenty of time for comments); site all towers away from ridges, wetlands and rivers where birds might concentrate on foggy nights; take actions to dim tower lighting, do not use red steady lights, use less frequently blinking lights and use acoustic sensors; mark guy wires or do not have any at all and finally enforce sharing of towers whenever possible.

As the issue of migratory birds is both a local and hemispheric issue, the Scotts Valley Band of Pomo Indians of Lake County feels every effort must be made to enact regulations specifically designed to protect migratory birds, fulfilling the obligations of NEPA and ESA.